

Mr Michael Brodie
Interim Chief Executive
Public Health England
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www.bat.com

Dear Mr Brodie,

Three months of possible illegal sale of menthol tobacco products

I write further to our letters dated 18 June and 17 July 2020 to Martin Dockrell regarding Gallaher Limited, the UK subsidiary of Japan Tobacco International (“**JTI**”), selling new cigarette products which are potentially in breach of the Tobacco and Related Product Regulations 2016 (TRPR) due to them still containing menthol flavourings. I have included copies of this correspondence in two separate attachments, accompanying this letter.

We have been informed that an investigation is being undertaken but have yet to hear anything further about its status or findings since writing to Public Health England almost 10 weeks ago. As you will be aware, under the TRPR, as of 20 May 2020 it is illegal to commercialise cigarettes or hand rolling tobacco which have a characterising flavour, including a menthol characterising flavour. We believe that both the letter and the spirit of the law is clear and have removed all menthol from our cigarette and hand rolling tobacco products in the UK.

We are concerned about the continued presence of these new cigarette products on the UK market as they not only undermine Government policy objectives and distort legal competition, but are also generating serious concerns among retailers and reduce the likelihood of adult smokers switching to potentially reduced risk alternative nicotine products which do not contain tobacco, such as vapour products.

I would therefore be most grateful if you could provide me with an update on the status of the investigation and an indication of when it is expected conclude, as well as confirm whether steps are being taken to suspend the sale of these new products pending the outcome of your investigation, given the Secretary of State for Health and Social Care has the authority to do this in such circumstances. I would draw your attention to the regulatory actions that authorities are taking, or will shortly take, in relation to similar products being sold by JTI in a number of other European countries, including Austria, Denmark, Hungary and Romania.

Should you have any questions related to this letter or the previous correspondence, please do not hesitate to contact me.

Yours sincerely,



Cc:  